

IV. REMARKS

In Frid et al the initial activation takes place through the actions of the user and not automatically during the handshake of a phone call. Thus, the system according to Frid requires an active user. In the present invention the maintenance message is sent automatically during the handshake of an incoming call, i.e., the user does not activate the function in question, but the terminal does it automatically. Frid does not disclose a completely automatic maintenance, because it requires user activation. In Frid the maintenance can be continued automatically until the user cancels it, but in any case, the maintenance requires the user to activate it first, i.e., maintenance is not completely automatic (see column 6, lines 20 to 30, especially lines 20 to 22).

Claim 1 has been amended to recite "... automatically starting the setting up of the message maintaining...". The remaining independent claims 11 and 18 already recite this feature.

Since this feature is not in Frid, the rejection of claims 1-4, 6-14, 16-19 and 21-22 under 35 USC 102 should be withdrawn.

Further, since there is no suggestion of the automatic generation of the maintenance message, these claims are unobvious over it.

Chen relates to several simultaneous call connections in a cabled and/or wireless network and, for example, to the transfer of a call (see abstract). There is no disclosure of the automatic feature. Thus, combining Chen with Frid does not result in the present invention.

Hence the rejection of claims 5, 15 and 20 under 35 USC §103 on Frid in view of Chen should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Wesley L. Steele

Reg. No. 24,139

OCT 13, 2004

Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to (703) 872-9306 on the date indicated below, addressed to the Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 10/13/04

Signature: Doris W. Perman
Person Making Deposit